

THRUSTON CORNELL.

[To accompany bill H. R. No. 152.]

MARCH 5, 1840.

Mr. ANDREWS, from the Committee on Revolutionary Pensions, made the following

REPORT:

The Committee on Revolutionary Pensions, to whom the petition of Thruston Cornell was referred, concur in the report hereto annexed, made the 2d session 25th Congress, and report a bill.

APRIL 14, 1838.

*The Committee on Revolutionary Pensions, to whom was referred the petition of Thruston Cornell, of Tiverton, in the State of Rhode Island, asking for a pension, report :*

That the petitioner alleges various military services, performed in the revolutionary war, amounting to about twenty months, to wit: three months and a half in Captain Lucas's company of Massachusetts troops, under General Sullivan, and was in the battle of Rhode Island. After the battle they were marched to Boston, and there discharged the 20th November, 1778; that he afterwards served eight months in Captain Borden's company of militia—they were divided into classes, and served a month each, by turns. The petitioner remained voluntarily all the time, as he had no other means of supporting himself. This service continued from December, 1778, to August, 1779. He afterwards served nine months in Lieutenant Dunham's company, from December, 1780, to September, 1781, (after the enemy had evacuated Newport,) under Colonel Bailey, and was quartered at Bunton's Neck and North battery, in Newport; for which he asks a pension.

Benjamin Fry testifies that he is seventy-five years of age; that he was a captain in the revolutionary war; that he was not acquainted with the petitioner in the war, but, from the minute statements made to him by the petitioner of the events of that war, at that town, under Colonel Bailey, in 1780 and 1781, and of those who served with him, he has no doubt the petitioner performed the service which he states. Deponent was well acquainted with Colonel Bailey, and the military events that transpired there.

Elihu Gifford testifies that he is seventy-five years old; that he has been acquainted with the petitioner since the commencement of the revo-

lutionary war; that he saw him in service in August, 1778, during Sullivan's expedition in Rhode Island. Deponent was also in the service, and they were quartered near each other. Petitioner belonged to a company of Massachusetts troops. In 1779 petitioner and deponent both belonged to Captain Borden's company. He saw petitioner on duty in the upper fort, near Howland's ferry; and he frequently saw him in service afterwards, but cannot state the precise time, but that he served as much as *seven months*, or more.

William Albert testifies that he is seventy-six years old; that he was a soldier in the revolutionary war. The petitioner was in the same company with deponent at Howland's ferry. He saw him afterwards, in 1799, in the service, and at various other times, but cannot say how long he served.

There are the statements of several other revolutionary soldiers, establishing the fact of the petitioner's service, though fixing no length of time; there is, also, accompanying the papers, a certificate from the Secretary of the Commonwealth of Massachusetts, certifying that the roll of Captain Lucas's company is not found there; also, the certificate of the Secretary of the State of Rhode Island, certifying the fact of the appointments of Lieutenant Borden and Major Bailey, under whom the petitioner alleges to have served; and, also, a certificate of a large number of the inhabitants of the town in which the petitioner lives, who say he is a man of truth, and they believe his statement of his services to be true.

The Commissioner of Pensions refuses to allow the pension because the terms could not have been so long, in some instances, as claimed, and because some of the service claimed was not deemed by him to be military, as contemplated by the act of June 7, 1832.

The evidence that the petitioner served seems to be conclusive, and the witnesses are all certified to be credible. The difficulty is, that there is but one of the witnesses who state any length of time, and that not with such precision as could be wished; he estimates it at seven months. The committee agree to allow a pension for six months, and accordingly report a bill.

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Edwin Gifford testifies that he is seventy-five years old; that he has been acquainted with the petitioner since the commencement of the revolutionary war, and that he was well acquainted with him in the service, and that he saw him in service afterwards, but cannot state the precise time, but that he served as much as *seven months*, or more.

There are the statements of several other revolutionary soldiers, establishing the fact of the petitioner's service, though fixing no length of time; there is, also, accompanying the papers, a certificate from the Secretary of the Commonwealth of Massachusetts, certifying that the roll of Captain Lucas's company is not found there; also, the certificate of the Secretary of the State of Rhode Island, certifying the fact of the appointments of Lieutenant Borden and Major Bailey, under whom the petitioner alleges to have served; and, also, a certificate of a large number of the inhabitants of the town in which the petitioner lives, who say he is a man of truth, and they believe his statement of his services to be true.

The Commissioner of Pensions refuses to allow the pension because the terms could not have been so long, in some instances, as claimed, and because some of the service claimed was not deemed by him to be military, as contemplated by the act of June 7, 1832.